

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAHEEN DAVIS,

Movant,

-against-

21-cv-8281 (LAK)
[05-cr-1157 (LAK)]

UNITED STATES OF AMERICA,

Respondent.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

On January 19, 2005, Davis shot and killed Henry King, a small-time marijuana dealer, while he and three others robbed King of his drugs and money. He also shot and wounded others who were in King's apartment at the time. This is Davis' third motion pursuant to 28 U.S.C. § 2255, and the Court assumes familiarity with all of the prior decisions by this Court and the Court of Appeals and with the procedural history of all of Davis's applications. There is no merit at all to the current motion.

Davis's first argument is that the warden of his facility destroyed some of his property and that he is being tortured by Barack Obama. As the government correctly points out, "Davis's allegations about events in prison do not present a reason his sentence was imposed unlawfully or is subject to attack, so they are legally not a basis for his release pursuant to § 2255." (Dkt¹ 5, at 4)

¹

Unless otherwise indicated, Dkt references are to the docket in 21-cv-8281 (LAK).



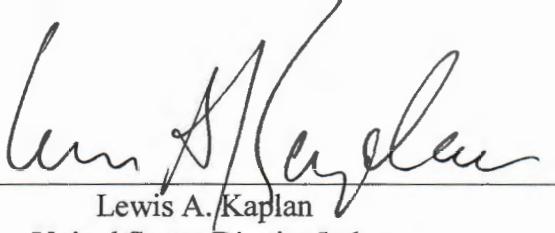
Davis's next is that his attorney during collateral attack proceedings was ineffective by failing to raise certain arguments. Those arguments were frivolous for the reasons argued by the government. (Dkt 5, at 4-5)

Finally, Davis argues that the government failed to establish a nexus to interstate commerce at trial. This claim is procedurally barred because it was advanced unsuccessfully during post-trial briefing, on direct appeal, and in prior 2255 motions and rejected multiple times. Davis may not relitigate the issue in this 2255 motion.

Accordingly, the 2255 motion (Dkt 1) is denied in all respects. A certificate of appealability is denied, and the Court certifies that any appeal herefrom would not be taken in good faith within the meaning of 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated: January 19, 2023



Lewis A. Kaplan
United States District Judge